

**BY ORDER OF THE COMMANDER,
436TH AIRLIFT WING**



**DOVER AIR FORCE BASE
INSTRUCTION 31-201**

29 JANUARY 2003

Security

BASE CURFEW AND LOITERING

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

NOTICE: This publication is available digitally on the AFDPO WWW site at:
<http://www.e-publishing.af.mil>

OPR: 436 SFS/SFOI (TSgt Barker)
Supersedes DAFBI 31-201, 16 March 1999

Certified by: 436 SFS/CC (Lt Col Contrades)
Pages: 4
Distribution: F

This instruction implements AFD 31-2, *Law Enforcement*. It establishes policies and procedures designed to impose curfew and loitering laws within the limits of Dover AFB to include Dover AFB Military Family Housing areas. This instruction applies to all personnel assigned or attached to Dover AFB and all personnel residing on or visiting Dover AFB. The Privacy Act of 1974, applies to this instruction. Executive order 9397 and Title 10 United States Code 8013, authorizes the Air Force to collect and maintain these records. F036 PC C Military Personnel Records System applies and F031 AF SP E applies. Maintain and dispose of all records created as a result of prescribed processes in accordance with AFMAN 37-139, *Records Disposition Schedule*.

SUMMARY OF REVISIONS

This document is substantially revised and must be completely reviewed.

This instruction replaced "Police" with "Forces"; added the requirements to have the SFCC coordinate with Staff Judge Advocate prior to the release of a juvenile; and procedures for non-military affiliated personnel loitering in the proprietary jurisdiction. Change from Support Group to Mission Support Group.

1. General:

1.1. In an effort to reduce criminal activity and to protect the people and property comprising the Dover AFB community, a curfew is established on Dover AFB to include Military Family Housing (MFH) between the hours of 2300 to 0600, Sunday through Thursday, and 2400 to 0600, Friday and Saturday. Additionally, counter-loitering measures as reflected in Delaware State Code 11 section 1321, Loitering apply. During the summer months, June through August, or when there is no school on the following day, the curfew is between the hours of 2400 and 0600, daily. The curfew regulation applies to juveniles. Juveniles are defined as all persons under the age of 18, with the exception of active duty military personnel and their spouses.

1.2. Compliance with this instruction is imperative for all parents, legal guardians, and sponsors of military dependents and their guests. Failure to comply with this instruction may result in the loss of entitlement to government quarters. In addition, failure to comply with this instruction may result in possible barment from Dover AFB, to include MFH. This publication will be reviewed annually by the 436th Airlift Wing Staff Judge Advocate, 436th Mission Support Group Commander (436 MSG/CC), and 436th Security Forces Squadron Commander (436 SFS/CC).

2. Responsibilities:

2.1. Commanders at all echelons will ensure personnel assigned to their units are familiar with the requirements of this instruction and comply with its provisions.

2.2. Parents or legal guardians who are either military members or DOD civilians assigned to Dover AFB will ensure their juvenile dependents are familiar with and comply with the provisions of this instruction.

3. Curfew:

3.1. Juveniles found within the limits of Dover AFB, to include MFH, and outside the confines of their residence during curfew hours are considered to be in violation of this instruction unless:

3.1.1. Accompanied by a parent or legal guardian.

3.1.2. Attending or returning directly home from a school or base-sponsored function, at which time the curfew will be automatically extended to 1 hour past the official termination of the function.

3.1.3. Traveling home upon completion of employment.

3.2. Security Forces (SF) may periodically stop and check the DD Form 1173, **Uniformed Services Identification and Privilege Card**, and other appropriate state or federal identification of persons suspected of violating curfew.

NOTE: Persons suspected of violating curfew but not possessing proper identification to verify their age will be detained and processed for suspected curfew violation.

3.3. For military affiliated juveniles, a SF patrol will obtain all pertinent information on the juvenile.

3.3.1. The Security Forces Control Center (SFCC) will contact the juvenile's parent or legal guardian to respond to take custody of the juvenile. SF will record the violation in the SF blotter.

3.3.2. In the absence of a parent or legal guardian, the juvenile may be released to an adult relative or neighbor who is willing to accept temporary responsibility for custody of the juvenile.

3.3.3. In the absence of any responsible adult, the unit commander or first sergeant will respond to take custody of the juvenile.

3.4. For non-military affiliated juveniles, SF will obtain all pertinent information on the juvenile and the SFCC will accomplish a blotter entry on the incident.

3.4.1. Security Forces will make all reasonable attempts to contact a sponsor or legal guardian for the juvenile.

3.4.2. In the absence of a parent or legal guardian, the juvenile may be released to an adult who is willing to accept responsibility for custody of the juvenile.

3.4.3. In the absence of a responsible adult, the SFCC will notify Delaware State Police a non-military affiliated juvenile will be released at a given location and time. The juvenile will then be escorted to the limits of Dover AFB for release.

3.5. SFCC will coordinate the release of all juveniles with the on-call Judge Advocate.

4. Loitering:

4.1. A person is loitering within the limits of Dover AFB, to include Military Family Housing, when:

4.1.1. He or she fails or refuses to move on when lawfully ordered to do so by SF in the performance of their official duties.

4.1.2. He or she stands, sits idly or loiters upon any pavement, sidewalk or crosswalk or stands or sits in a group or congregates with others on any pavement, sidewalk, crosswalk or doorstep, in any street or way open to the public, so as to obstruct or hinder the free and convenient passages of persons walking, riding or driving over or along such pavement, walk, street, or way, and shall fail to make way, remove or pass, after reasonable request from any person.

4.1.3. He or she loiters or prowls in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Unless avoidance by the accused or other circumstances make it impracticable, the SF will, prior to apprehension or detention, shall request identification and an explanation of the person's presence and conduct.

4.2. Loitering is prohibited at all times.

4.3. Military and military-affiliated civilian adults found loitering on Dover AFB to include Military Family Housing will be cited via DD Form 1408, **Armed Forces Traffic Violation for Loitering**.

4.4. Non-military affiliated civilian adults suspected of loitering in Exclusive Federal Jurisdiction areas may be cited via DD Form 1805, U.S. District Court Violation Notice for Loitering. The offense is a violation of Title 18 (U.S.C.), Section 13, with the underlying violation found at Title 11 (Del. Code Ann.), Section 1321. Federal Magistrate's Court appearance is mandatory.

4.5. Non-military affiliated civilian adults suspected of loitering in Proprietary Jurisdiction areas will be identified and a field interview will be conducted. Ask the individual to depart from Dover AFB and escort them to the limits of the base for release.

4.6. Juveniles will be dealt with in accordance with paragraphs 3.3., 3.4., 3.5., and 5.2. of this instruction.

5. Administration:

5.1. The means to ensure compliance with this instruction is through graduated administrative sanctions. Criminal prosecution of the violator will normally be sought only after administrative sanctions have failed to produce compliance.

5.2. Administrative sanctions under normal circumstances will be imposed as follows:

5.2.1. The first violation will result in a letter of warning.

5.2.2. The second violation will be compiled in an administrative package for 436 MSG/CC review.

5.2.3. The third violation may result in the loss of base privileges as determined by 436 MSG/CC.

5.2.4. Subsequent violations may result in the removal from MFH and/or barment from Dover AFB.

5.3. Any appeals for these actions shall be directed in writing to the 436 MSG/CC within 10 days of the notification of an administrative sanction occurring.

SCOTT E. WUESTHOFF, Colonel, USAF
Commander